

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

KEVIN RUSSELL,

PLAINTIFF

V.

NO. 4:04CV144-P-A

JOHN BEARRY, et al.,

DEFENDANTS

FINAL JUDGMENT

Upon consideration of the file and records in this action, the court finds that the Report and Recommendation of the United States Magistrate Judge dated August 21, 2006, was on that date duly served by mail upon the *pro se* Plaintiff's at his last known address; that more than ten days have elapsed since service of the Report and Recommendation; and that no objection to the Report and Recommendation has been served or filed by any party. The court is of the opinion that the Magistrate Judge's Report and Recommendation should be approved and adopted as the opinion of the court. Therefore, it is

ORDERED:

1) The Report and Recommendation of the United States Magistrate Judge dated August 21, 2006, is hereby approved and adopted as the opinion of the court; and

2) Plaintiff's motion for temporary restraining order is DISMISSED AS MOOT..

THIS the 27th day of September, 2006.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE